

SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD
September 29 – October 3, 2003

| Date Issued | Type of Case(1) | Proceeding or Appn. No. | Party or Parties | TTAB Panel(2) | Issue | TTAB Decision | Opposer's or Petitioner's Mark and Goods or Services | Applicant's or Respondent's Mark and Goods or Services | Mark and Goods Cited by Examining Attorney | Examining Attorney | Citable as Precedent of TTAB |
|-------------|-----------------|-------------------------|------------------------------------|------------------------------|--|--|--|--|--|--------------------|------------------------------|
| 9-30 | OPP | 91110121 | Kellogg Co. v. The Earthgrains Co. | Simms Hairston* Bucher | 2(e)(1); whether applicant has bona fide intention to use the marks it seeks to register | Opposition Dismissed as to both applications | | “MORNING GOODS” [refrigerated bakery products, namely, biscuits, cookies, english muffins, dinner rolls, pie crust, breadsticks, pizza crust, frozen garlic bread, cinnamon rolls, danish and toaster pastries]; “MORNING GOODS” and “MORNING GOODNESS” [both marks for bread, muffins, buns, rolls, croissants, danish, cakes, snack cakes, donuts, bagels and bakery products] | | | No |
| 9-30 | EX | 76208127 | The Game Tracker, Inc. | Walters Chapman Bucher* | 2(d) | Refusal Affirmed | | “RIVERBOTTOM” [archery arrows having a distinctive camouflage pattern imprinted thereon, and collapsible enclosures having a distinctive camouflage pattern imprinted thereon, namely, hunting blinds] | “RIVER BOTTOMS” [stencil kit for use in connection with camouflage painting and hunting equipment] | Dawe | No |
| 9-30 | EX | 76024068 | City of Detroit | Bucher* Bottorff Drost | genericness [whether applicant's mark is registrable on the Supplemental Register] | Refusal Affirmed | | “METER CARD” [magnetically encoded identification cards to provide access to and from parking garages and/or lots and magnetically encoded debit cards for electronic parking meters] | | Saunders | No |

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| 9-30 | EX | 76236276 | O.R.A. Corp. | Seeherman Hairston* Rogers | 2(e)(1) | Refusal Affirmed | | "TACO BITES" [frozen, packaged or prepared Mexican food, namely, rolled taquito tortillas with chicken, beef, or cheese fillings] | | Adkins | No |
| 9-30 | EX | 76113552 | Planet E-Shop, Inc. | Walters* Bottorff Drost | 2(d) | Refusal Affirmed | | "PLANET E SHOP" [promoting and marketing the goods and services of others through on-line ordering and cataloging those goods and services, namely, home shopping, business-to-computer and business-to-business marketplace services featuring a variety of goods and services of others offered via broadcast television, cable television, satellite television, interactive electronic communications networks and a worldwide global computer network] | "ESHOP" [interactive electronic retailing and on-line ordering services, namely, shop-at-home services and virtual retail store services accessed through computers, personal digital assistants, and interactive televisions, featuring products and services for consumer and business use] | Micheli | No |
| 9-30 | EX | 75731589 | TruckCraft Corp. | Seeherman Bucher Bottorff* | 2(d) | Refusal Reversed | | "TRUCKCRAFT" [structural parts for trucks, namely, dump truck bodies, truck bed flats, dumper beds, dump truck bed and body inserts for pickup trucks] | "TRUCKRAFT" (and design) [generators and alternators for trucks; truck parts, namely, brake blocks, oil seals, gearing, rebuilt clutches, water pumps, starters and moisture ejectors] | Yard | No |

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| 9-30 | EX | 75432936 | Lamrite West, Inc. | Cissel Seeherman* Chapman | genericness [whether applicant's mark is registrable on the Supplemental Register] | Refusal Reversed | | "PERFORATED PLASTIC" [plastic foundation material in sheet form for use with needle work such as cross stitching] | | Oslick | No |
| 9-30 | CANC | 92025167 | United States Olympic Committee v. MEOB, Inc. and America's Team Properties, Inc. | Seeherman Bottorff* Holtzman | abandonment | Petition to Cancel Denied | | "AMERICA'S TEAM" [clothing, namely, shirts] | | | No |
| 9-30 | EX | 75693540 | Warrantech Corp. | Simms Seeherman Holtzman* | genericness [whether applicant's mark is registrable on the Supplemental Register] | Refusal Affirmed | | "VSC ONLINE" [entering, rating and processing warranty contracts via interactive computer network services for use by dealers and agents] | | | No |
| 9-30 | EX | 76309178 | Mark Twain Casino, LLC | Simms Seeherman Rogers* | 2(d) | Refusal Affirmed | | "MARK TWAIN CASINO" [casino services; restaurant and bar services] | "MARK TWAIN VACATIONS" [boat cruises] | Bello | No |
| 9-30 | OPP | 91117529 | Systemax Corp. v. Systemax, Inc. | Simms* Seeherman Bucher | 2(d) | Opposition Dismissed | "SYSTEMAX" [supplies for computerized automatic teller machines; distributorship services in the field of ATM supplies] | "SYSTEMAX PRO" [computer hardware] | | | No |

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| 9-30 | OPP | 91116821 | Central Mfg. Inc. v. Astec Industries, Inc. | Walters Bucher Rogers* | 2(d); 2(e)(1); whether applicant had bona fide intention to use its mark as of the filing date of its application; fraud; ownership of the mark | Opposition Dismissed on the merits; and judgment entered against opposer as a sanction for abuse of Rule 11 | “STEALTH” [rakes and shovels used for asphalt paving <i>and other goods and services</i>] | “STEALTH” [asphalt paving machine] | | | No |
| 10-1 | EX EX | 76214245 76214246 | Lockheed Martin Corp. | Hohein Chapman* Rogers | 2(e)(1) | Refusal Affirmed in both cases | | “ETOC” and “eTOC” [both marks for computer software for use in acquiring, integrating, and disseminating information to individuals involved in situational response activities] | | Souders | No |
| 10-3 | EX | 76376622 | Consulting Services Int'l. Inc. | Hairston Walters Bottorff* | 2(d) | Refusal Reversed | | “CRMS” [providing an on-line database in the field of ocean shipping contract carrier rates to subscribers] | “CRMS” [software, namely, software for locating, controlling and scheduling the use of electronic resources that are used to receive and transmit information and data, the information and data including video signals, audio signals and human and machine-readable data] | Bell | No |

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| 10-3 | EX | 76341740 | Barcrest, Inc. | Seeherman Hohein* Hairston | 2(e)(1) | Refusal Affirmed | | “SHOTFINDER” (in stylized lettering) [accessories for hunters, namely, electronic devices for detecting and signaling the presence of metal objects in the flesh of game animals] | | R. Clark | No |
| 10-3 | EX | 76256749 | Crouch-Pion | Simms Hohein* Walters | 2(e)(1) | Refusal Affirmed | | “BUNCO” [slot machines] | | Benzmiller | No |

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